

APPEAL, CLOSED, TYPE-I

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:04-cv-01571-CKK**

IN DEFENSE OF ANIMALS v. NATIONAL INSTITUTES OF
HEALTH et al
Assigned to: Judge Colleen Kollar-Kotelly
Case in other court: 08-05186
Cause: 05:552 Freedom of Information Act

Date Filed: 09/10/2004
Date Terminated: 04/14/2008
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

IN DEFENSE OF ANIMALS

represented by **William James Spriggs**
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V.

Defendant

**NATIONAL INSTITUTES OF
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 TERMINATED: 09/19/2007

Defendant

**US DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

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ATTORNEY TO BE NOTICED

Michelle Nicole Johnson
 (See above for address)
 TERMINATED: 04/09/2009
LEAD ATTORNEY

Megan Lindholm Rose
 (See above for address)
 TERMINATED: 09/19/2007

Date Filed	#	Docket Text
09/10/2004	<u>1</u>	COMPLAINT against NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 150) filed by IN DEFENSE OF ANIMALS. (Attachments: # <u>1</u> Exhibit)(td,) (Entered: 09/17/2004)
09/10/2004		SUMMONS (4) Issued as to NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (td,) (Entered: 09/17/2004)
09/27/2004	<u>2</u>	ORDER Establishing Procedures for Electronic Filing for Cases Assigned to Judge Colleen Kollar-Kotelly signed on September 27, 2004. (SM) (Entered: 09/27/2004)
10/13/2004	<u>3</u>	First MOTION for Extension of Time to <i>respond to the complaint</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Rose, Megan) (Entered: 10/13/2004)
10/13/2004	<u>4</u>	NOTICE of Appearance by Megan Lindholm Rose on behalf of NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Rose, Megan) (Entered: 10/13/2004)
11/01/2004		MINUTE ENTRY: Paperless ORDER granting nunc pro tunc <u>3</u> Defendant's Motion for Enlargement of Time to respond to complaint until and including November 16, 2004. Signed by Judge Colleen Kollar-Kotelly on November 1, 2004. (SM) (Entered: 11/01/2004)
11/01/2004	<u>5</u>	NOTICE of Appearance by Jason Tyler Barbeau on behalf of IN DEFENSE OF ANIMALS (Barbeau, Jason) (Entered: 11/01/2004)
11/16/2004	<u>6</u>	Consent MOTION for Extension of Time to <i>respond to the complaint</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit A – Declaration# <u>2</u> Exhibit B – letter# <u>3</u> Exhibit C – letter)(Rose, Megan) (Entered: 11/16/2004)
11/16/2004	<u>7</u>	ERRATA <i>correcting motion for enlargement</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit A–C)(Rose, Megan) (Entered: 11/16/2004)
11/24/2004		MINUTE ENTRY: Paperless ORDER granting nunc pro tunc <u>6</u> Defendants' Consent Motion for Enlargement of Time to answer/respond to complaint until January 18, 2005. Signed by Judge Colleen Kollar-Kotelly on November 24, 2004. (SM) (Entered: 11/24/2004)

01/18/2005	<u>8</u>	<i>Defendants'</i> ANSWER to Complaint <i>filed</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Rose, Megan) (Entered: 01/18/2005)
01/27/2005	<u>9</u>	MEET AND CONFER STATEMENT. (Rose, Megan) (Entered: 01/27/2005)
02/02/2005	<u>10</u>	SCHEDULING ORDER:Initial Scheduling Conference set for 2/25/2005 09:15 AM in Courtroom 11 before Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on 2/2/2005. (dot,) (Entered: 02/02/2005)
02/21/2005		MINUTE ENTRY: In light of the fact that there appear to be no preliminary issues for the Court to resolve, and the parties have filed a joint proposed breifing schedule, the Court enters the following Order. ORDERED that the scheduling conference scheduled for February 25, 2005, is VACATED; it is further ORDERED that Defendants shall file their Motion for Summary Judgment and Vaughn index by March 16, 2005, Plaintiff shall file its Opposition by April 13, 2005, and Defendants shall file their Reply by May 4, 2005. Signed by Judge Colleen Kollar-Kotelly on February 21, 2005. (lcckk1) (Entered: 02/21/2005)
03/16/2005	<u>11</u>	MOTION for Summary Judgment (<i>partial</i>) by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Affidavit Exhibit A – Cornell Declaration# <u>2</u> Exhibit 1 to Cornell Declaration# <u>3</u> Exhibit 2 to Cornell Decl.# <u>4</u> Exhibit 3 to Cornell Decl.# <u>5</u> Exhibit 4 to Cornell Decl.# <u>6</u> Exhibit 5 to Cornell Decl.# <u>7</u> Exhibit 6 to Cornell Decl.# <u>8</u> Exhibit 7 to Cornell Decl.# <u>9</u> Exhibit 8 to Cornell Decl.# <u>10</u> Exhibit 9 to Cornell Decl.# <u>11</u> Exhibit 10 to Cornell Decl.# <u>12</u> Errata 11 to Cornell Decl.# <u>13</u> Affidavit Exhibit B – Christian Declaration# <u>14</u> Exhibit C – USAF Release)(Rose, Megan) (Entered: 03/16/2005)
03/16/2005	<u>12</u>	MOTION for Extension of Time to <i>respond as to 23 pages of referred documents</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Rose, Megan) (Entered: 03/16/2005)
04/11/2005		MINUTE ENTRY: Paperless ORDER granting <u>12</u> Motion for Extension of Time to respond as to Plaintiff's complaint regarding <u>23</u> pages of referred documents; Defendant shall have until and including April 14, 2005 to respond. Signed by Judge Colleen Kollar-Kotelly on April 11, 2005. (SM) (Entered: 04/11/2005)
04/13/2005	<u>13</u>	Memorandum in opposition to motion re <u>11</u> and <i>Cross Motion For Summary Judgment</i> filed by IN DEFENSE OF ANIMALS. (Attachments: # <u>1</u> Statement of Facts# <u>2</u> Exhibit Exhibit 1# <u>3</u> Exhibit Exhibits 2–14)(Barbeau, Jason) (Entered: 04/13/2005)
04/14/2005	<u>14</u>	Consent MOTION for Extension of Time to <i>respond as to 23 pages of referred documents</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Rose, Megan) (Entered: 04/14/2005)
04/21/2005	<u>15</u>	Consent MOTION for Extension of Time to <i>respond as to referred documents</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Rose, Megan) (Entered: 04/21/2005)
04/21/2005		MINUTE ENTRY: Paperless ORDER granting nunc pro tunc <u>14</u> Defendants' Consent Motion for Enlargement of Time to respond as to 23 pages of documents referred to U.S. Air Force until and including April 21, 2005. Signed by Judge Colleen Kollar-Kotelly on April 21, 2005. (SM) (Entered: 04/21/2005)
04/27/2005		MINUTE ENTRY: Paperless ORDER granting nunc pro tunc <u>15</u> Consent Motion for Extension of Time to respond to 23 pages of documents referred to by USAF, until and including May 4, 2005. Signed by Judge Colleen Kollar-Kotelly on April 27, 2005. (SM) (Entered: 04/27/2005)
05/04/2005	<u>16</u>	REPLY to opposition to motion re <u>11</u> <i>in support of summary judgment</i> filed by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Rose, Megan) (Entered: 05/04/2005)
05/04/2005	<u>17</u>	MOTION for Partial Summary Judgment <i>as to 23 pages of referred documents</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit A – Release Letter# <u>2</u>

		Exhibit B – USAF Memo)(Rose, Megan) (Entered: 05/04/2005)
05/18/2005	<u>18</u>	REPLY to opposition to motion re <u>17</u> <i>Plaintiff's Reply Memorandum In Support of Cross Motion for Summary Judgment</i> filed by IN DEFENSE OF ANIMALS. (Barbeau, Jason) (Entered: 05/18/2005)
05/18/2005	19	Memorandum in opposition to motion re <u>17</u> Partial Summary Judgment filed by IN DEFENSE OF ANIMALS. (Please see Document No. 18 for scanned image). (nmw,) (Entered: 05/19/2005)
05/31/2005	<u>20</u>	REPLY to opposition to motion re <u>17</u> <i>in support of Defendants' Second Motion For Partial Summary Judgment</i> filed by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Rose, Megan) (Entered: 05/31/2005)
03/03/2006	<u>21</u>	NOTICE <i>Of Change of Status of Counsel for Plaintiff</i> by IN DEFENSE OF ANIMALS (Barbeau, Jason) (Entered: 03/03/2006)
03/31/2007	<u>22</u>	ORDER granting in part and denying in part <u>11</u> Defendants' Motion for Partial Summary Judgment; granting in part and denying in part <u>13</u> Plaintiff's Cross Motion for Summary Judgment; granting Defendants' <u>17</u> Motion for Partial Summary Judgment; ordering that Defendants shall produce the following information to Plaintiff by April 13, 2007: 1) incentive payments to the contractor; 2) answers to NIH questions in the revised contract proposal; 3) the withheld NIH contract questions; and 4) redactions of the square footage of the APF, daily inventories of animals, floor plans and wiring diagrams, specific locations of individual animals, locations of animal records and specimens, numbers of rooms containing equipment, the numbers of animals in specific holding areas, and the square footage of specific areas; ordering that Defendants shall also provide Plaintiff with properly-segregated, redacted versions of Documents 14 and 15 as listed in the Vaughn Index, including the subject matter of the invoices and e-mails at issue, by April 13, 2007; ordering that Defendants shall search APF for the requested clinical chimpanzee files, using a search cut-off date not earlier than the date of this Order and informing Plaintiff of said cut-off date, commencing April 13, 2007; ordering that Defendants shall further grant Plaintiff a public interest fee waiver immediately; ordering that the Parties are to submit a Joint Status Report with respect to Defendants' compliance with this Order and the accompanying Memorandum Opinion by April 27, 2007, including the status of Defendants' search at APF and a deadline by which it will either produce said documents to Plaintiff and/or provide a Vaughn Index to both Plaintiff and the Court with respect to any information withheld. Signed by Judge Colleen Kollar-Kotelly on March 31, 2007. (lcckk1) (Entered: 03/31/2007)
04/02/2007	<u>23</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on April 2, 2007. (lcckk1). (Entered: 04/02/2007)
04/13/2007	<u>24</u>	MOTION to Stay re <u>22</u> Order on Motion for Summary Judgment,,,,,,, Order on Motion for Partial Summary Judgment,,,,,,, <i>until up to sixty days after entry of final judgment in this case</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Rose, Megan) (Entered: 04/13/2007)
04/18/2007	<u>25</u>	MOTION for Reconsideration re <u>22</u> Order on Motion for Summary Judgment,,,,,,, Order on Motion for Partial Summary Judgment,,,,,,, <i>(partial reconsideration)</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Affidavit Supp Cornell Declaration# <u>2</u> Exhibit 1 – Alamagordo Article# <u>3</u> Exhibit 2 – NYT Article# <u>4</u> Exhibit 3 – UPI Article# <u>5</u> Exhibit 4 – CNN Article# <u>6</u> Text of Proposed Order)(Rose, Megan) (Entered: 04/18/2007)
04/26/2007	<u>26</u>	ORDER granting Defendants' unopposed <u>24</u> Defendants' Motion to Stay Court's Order of March 31, 2007, until up to Sixty Days after Entry of Final Judgment in this Case; it is also ordered that Defendants shall have 60 days from the Court's Order entering final judgment in this case to make the required disclosures, listed as follows: 1) incentive payments to the contractor; 2) answers to NIH questions in the revised contract proposal; 3) the withheld NIH contract questions; 4) redactions of the square footage of the APF, daily inventories of animals, floor plans and

		wiring diagrams, specific locations of individual animals, locations of animal records and specimens, numbers of rooms containing equipment, the numbers of animals in specific holding areas, and the square footage of specific areas; and 5) redacted versions of Documents 14 and 15 as listed in the Vaughn Index, including the subject matter of the invoices and e-mails at issue; it is also ordered that Defendants shall have 30 days from the Court's ruling on Defendants' motion for partial reconsideration within which to file a Joint Status Report concerning Defendants' compliance with the Court's Order to search APF. Signed by Judge Colleen Kollar-Kotelly on April 26, 2007. (lcckk1) (Entered: 04/26/2007)
04/26/2007	<u>27</u>	NOTICE of Failure of Service Under Federal Rule of Civil Procedure 5(b)(2)(D)(3) by IN DEFENSE OF ANIMALS (Spriggs, William) Additional attachment(s) added on 4/27/2007 (nmw,). (Entered: 04/26/2007)
04/26/2007	<u>28</u>	ENTERED IN ERROR.....Proposed MOTION for Order <i>re service of motion for partial reconsideration of the Court's Order of March 31, 2007</i> by IN DEFENSE OF ANIMALS (Spriggs, William) Modified on 4/27/2007 (nmw,). (Entered: 04/26/2007)
04/27/2007		NOTICE OF CORRECTED DOCKET ENTRY: Document No. <u>28</u> was entered in error as a motion and has been added to Document No. <u>27</u> . (nmw,) (Entered: 04/27/2007)
04/30/2007	<u>29</u>	RESPONSE re <u>27</u> Notice (Other) filed by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Rose, Megan) (Entered: 04/30/2007)
04/30/2007	<u>30</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Defendants' Motion for Reconsideration</i> by IN DEFENSE OF ANIMALS (Spriggs, William) (Entered: 04/30/2007)
05/01/2007		MINUTE ENTRY ORDER (Paperless) granting <u>30</u> Plaintiff's Unopposed Motion for Extension of Time to File a Response to Defendants' Motion for Reconsideration. Plaintiff shall have until and including May 7, 2007, to file its response. Signed by Judge Colleen Kollar-Kotelly on May 1, 2007. (SM) (Entered: 05/01/2007)
05/07/2007	<u>31</u>	Memorandum in opposition to re <u>25</u> MOTION for Reconsideration re <u>22</u> Order on Motion for Summary Judgment,,,,,, Order on Motion for Partial Summary Judgment,,,,,, (<i>partial reconsideration</i>) MOTION for Reconsideration re <u>22</u> Order on Motion for Summary Judgment,,,,,, Order on Motion for Partial Summary Judgment,,,,,, (<i>partial reconsideration</i>) filed by IN DEFENSE OF ANIMALS. (Attachments: # <u>1</u> Exhibit Monthly Progress Report# <u>2</u> Exhibit Memo of Understanding# <u>3</u> Exhibit Necropsy Report)(Spriggs, William) (Entered: 05/07/2007)
05/17/2007	<u>32</u>	REPLY to opposition to motion re <u>25</u> MOTION for Reconsideration re <u>22</u> Order on Motion for Summary Judgment,,,,,, Order on Motion for Partial Summary Judgment,,,,,, (<i>partial reconsideration</i>) MOTION for Reconsideration re <u>22</u> Order on Motion for Summary Judgment,,,,,, Order on Motion for Partial Summary Judgment,,,,,, (<i>partial reconsideration</i>) filed by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit Washington Post Express Article)(Rose, Megan) (Entered: 05/17/2007)
09/19/2007	<u>33</u>	NOTICE of Substitution of Counsel by Michelle Nicole Johnson on behalf of NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Megan L. Rose (Johnson, Michelle) (Entered: 09/19/2007)
12/12/2007	<u>34</u>	ORDER denying Defendants' <u>25</u> Motion for Partial Reconsideration. Defendants shall have until January 11, 2008, in which to file a Joint Status Report concerning Defendants' compliance with the Court's Order to search APF, which shall also indicate whether any additional briefing or Court rulings are necessary prior to entry of a final judgment. Signed by Judge Colleen Kollar-Kotelly on December 12, 2007. (lcckk1) (Entered: 12/12/2007)

12/12/2007	<u>35</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on December 12, 2007. (lcckk1) (Entered: 12/12/2007)
12/12/2007		Set/Reset Deadlines: Joint Status Report due by 1/11/2008. (dot,) (Entered: 12/12/2007)
01/11/2008	<u>36</u>	STATUS REPORT by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Johnson, Michelle) (Entered: 01/11/2008)
01/15/2008		MINUTE ORDER (paperless). Pursuant to a conference call with both Parties on January 15, 2008, Defendants agree to withdraw the status report filed January 11, 2008, and the Parties agree to file a Joint Status Report setting forth their respective positions in response to the Court's December 12, 2007 Order, by or before January 29, 2008. Signed by Judge Colleen Kollar-Kotelly on January 15, 2008. (lcckk1) (Entered: 01/15/2008)
01/15/2008		Set/Reset Deadlines: Status Report due by 1/29/2008. (dot,) (Entered: 01/16/2008)
01/29/2008	<u>37</u>	STATUS REPORT (<i>Joint</i>) by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Johnson, Michelle) (Entered: 01/29/2008)
01/31/2008	<u>38</u>	ORDER. The Parties shall file a Joint Status Report on March 31, 2008, concerning the status of the records discussed in the Court's Order. Signed by Judge Colleen Kollar-Kotelly on January 31, 2008. (lcckk1) (Entered: 01/31/2008)
03/31/2008	<u>39</u>	Joint MOTION for Extension of Time to <i>File the Parties' Joint Status Report</i> by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Johnson, Michelle) (Entered: 03/31/2008)
04/01/2008	<u>40</u>	STATUS REPORT (<i>Joint</i>) by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Johnson, Michelle) (Entered: 04/01/2008)
04/04/2008		MINUTE ORDER (paperless) granting nunc pro tunc <u>39</u> The Parties' Joint Motion for a One-Day Extension of Time to File Their Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on April 4, 2008. (SM) (Entered: 04/04/2008)
04/09/2008		MINUTE ORDER (paperless): A Conference Call will be held on the record on Monday, April 14, 2008, at 9:00 a.m. Accordingly, Dorothy Patterson, Courtroom Deputy Clerk to Judge Colleen Kollar-Kotelly, will initiate the call from Courtroom 28A and contact the parties at the telephone numbers which they have provided to chambers. The parties shall notify Ms. Patterson at 202-354-3189, or chambers at 202-354-3340, if there is any change in telephone numbers. Signed by Judge Colleen Kollar-Kotelly on April 9, 2008. (SM) (Entered: 04/09/2008)
04/09/2008		Set/Reset Hearings: Telephone Conference set for 4/14/2008 09:00 AM in Courtroom 28A before Judge Colleen Kollar-Kotelly. (dot,) (Entered: 04/09/2008)
04/14/2008		MINUTE ORDER (paperless). On April 14, 2008, the Court held a conference call with both Parties on the record. The Court and Parties agreed that the Court's Order dated January 31, 2008 should be vacated and the Court's Orders dated March 31, 2007 and December 12, 2007 should be reissued as final, appealable orders. Accordingly, the Court hereby vacates its Order dated January 31, 2008. Signed by Judge Colleen Kollar-Kotelly on April 14, 2008. (lcckk1) (Entered: 04/14/2008)
04/14/2008	<u>41</u>	ORDER granting in part and denying part <u>11</u> Defendants' Motion for Partial Summary Judgment; granting in part and denying in part <u>13</u> Plaintiff's Cross Motion for Summary Judgment; granting Defendants' <u>17</u> Motion for Partial Summary Judgment; ordering that Defendants shall produce the following information to Plaintiff: 1) incentive payments to the contractor; 2) answers to NIH questions in the revised contract proposal; 3) the withheld NIH contract questions; and 4) redactions of the square footage of the APF, daily inventories of animals, floor plans and wiring diagrams, specific locations of individual animals, locations of animal records and specimens, numbers of rooms containing equipment, the numbers of animals in specific holding areas, and the square footage of specific

		areas; ordering that Defendants shall also provide Plaintiff with properly-segregated, redacted versions of Documents 14 and 15 as listed in the Vaughn Index, including the subject matter of the invoices and e-mails at issue; ordering that Defendants shall search APF for the requested clinical chimpanzee files, using a search cut-off date not earlier than March 31, 2007, and informing Plaintiff of said cut-off date; and ordering that Defendants shall further grant Plaintiff a public interest fee waiver immediately. This case shall be dismissed in its entirety. This is a final, appealable order. Signed by Judge Colleen Kollar-Kotelly on April 14, 2008. (lcckk1) (Entered: 04/14/2008)
04/14/2008	<u>42</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on April 14, 2008. (lcckk1) (Entered: 04/14/2008)
04/14/2008	<u>43</u>	ORDER denying Defendants' <u>25</u> Motion for Partial Reconsideration. Signed by Judge Colleen Kollar-Kotelly on April 14, 2008. (lcckk1) (Entered: 04/14/2008)
04/14/2008	<u>44</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on April 14, 2008. (lcckk1) (Entered: 04/14/2008)
04/14/2008		Minute Entry for proceedings held before Judge Colleen Kollar-Kotelly: Telephone Conference held on 4/14/2008. (Court Reporter Lisa Hand.) (dot,) (Entered: 04/15/2008)
06/12/2008	<u>45</u>	NOTICE OF APPEAL as to <u>41</u> Order,,,,, <u>43</u> Order, <u>44</u> Memorandum & Opinion, <u>42</u> Memorandum & Opinion by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. Fee Status: No Fee Paid. Parties have been notified. (Johnson, Michelle) (Entered: 06/12/2008)
06/16/2008		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>45</u> Notice of Appeal, (td,) (Entered: 06/16/2008)
06/18/2008		USCA Case Number 08-5186 for <u>45</u> Notice of Appeal, filed by US DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH. (td,) (Entered: 06/20/2008)
01/05/2009	<u>46</u>	ORDER of USCA as to <u>45</u> Notice of Appeal, filed by US DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH; ORDERED that the motion for record remand be granted, and that the record herein be remanded to the district court to permit that court to entertain, and to provide an indicative ruling on, the parties' proposed motion for post-judgment relief; FURTHER ORDERED that the motion to stay briefing be granted, and that this case be held in abeyance pending further order of the court. (USCA No. 08-5186) (mmh,) (Entered: 01/05/2009)
01/06/2009		MINUTE ORDER (paperless). The Court has received an Order from the Court of Appeals granting a remand of this case to permit consideration of the parties' proposed motion for post-judgment relief. On or before January 12, 2009, the parties shall confer and file a Joint Status Report indicating what post-judgment relief the parties are seeking and identifying what they intend to file. Signed by Judge Colleen Kollar-Kotelly on January 6, 2009. (lcckk1) (Entered: 01/06/2009)
01/12/2009	<u>47</u>	MOTION for Indicative Ruling and Joint Status Report by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit (Settlement Agreement), # <u>2</u> Text of Proposed Order)(Johnson, Michelle) (Entered: 01/12/2009)
01/12/2009	<u>48</u>	JOINT STATUS REPORT by IN DEFENSE OF ANIMALS, NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES. (See Docket Entry <u>47</u> to view document). (nmw,) (Entered: 01/13/2009)
01/12/2009	<u>49</u>	ORDER granting <u>47</u> Joint Status Report and Motion for an Indicative Ruling. That in accordance with the procedure articulated in Smith v. Pollin, 194 F.2d 349(D.C.Cir.1952), this Court will approve the parties' settlement agreement and will dismiss this case provided it is remanded to this Court. Signed by Judge Colleen Kollar-Kotelly on 1/12/09. (dot,) (Entered: 01/13/2009)

02/09/2009	<u>50</u>	ORDER of USCA (certified copy) as to <u>45</u> Notice of Appeal, filed by US DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH; ORDERED that the motion be granted and this case be remanded to the district court. (USCA No. 08-5186) (mmh,) (Entered: 02/11/2009)
03/09/2009	<u>51</u>	Joint MOTION for the Court's Approval of the Parties' Mediated Settlement Agreement by NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A (Settlement Agreement))(Johnson, Michelle) (Entered: 03/09/2009)
03/10/2009	<u>52</u>	ORDER granting <u>51</u> Joint Motion for the Court's Approval of the Parties' Mediated Settlement Agreement. The Court hereby approves the parties' Mediated Settlement Agreement. In accordance with the Mediated Settlement Agreement, this action is hereby dismissed without prejudice. Signed by Judge Colleen Kollar-Kotelly on 3/10/09. (dot,) (Entered: 03/10/2009)
04/09/2009	<u>53</u>	NOTICE OF SUBSTITUTION OF COUNSEL by David Cotter Rybicki on behalf of NATIONAL INSTITUTES OF HEALTH, US DEPARTMENT OF HEALTH AND HUMAN SERVICES Substituting for attorney Michelle N. Johnson (Rybicki, David) (Entered: 04/09/2009)